

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF

ARTURO RINCON-CERNAS }
Plaintiff }
v.

The Geo. Group Inc.

Defendant

} Case No: _____

CIV 22 206 HE

COMPLAINT ON FAILURE TO PAY MINIMUM WAGE
(PRISONER COMPLAINT)

BASIS OF JURISDICTION

Comes now, ARTURO RINCON-CERNAS ("Plaintiff"), pro se, before this Court, pursuant to 42 U.S.C. 1983, who claims a violation of his right to Fair Minimum Wage by The Geo Group Inc. ("GEO"). Plaintiff contends his claim is cognizable pursuant to the Fair Labor Standards Act ("FLSA") and the State of OKLAHOMA Minimum Wage ACT

FILED

MAR 14 2022

PRISONER STATUS

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY *[Signature]* DEPUTY

Currently sentenced and housed at F.C.I. Edgefield.

STATEMENT OF THE CASE

On or about MAR 2020 until MAY 2021 (10 months), Plaintiff was in the custody of the U.S Marshalls and detained at a private facility called Great Plains Correctional Facility ("GPCF") in OKLAHOMA, which is owned and operated by a private company Geo. Plaintiff is a deportable alien, which is the reason for his placement at this facility and not in a Federal institution.

Plaintiff contends that because of the plain language of the FLSA and the OKLAHOMA Minimum Wage ACT, he was an employee of Geo and is entitled to the rights and benefits of employment pursuant to the laws of the United States and the State of OKLAHOMA, including minimum wage.

An employee includes any individual permitted to work by an ~~entity~~ employer. Courts have employed an "economic reality" test, which in theory, permits a prisoner to qualify as an employee. Indeed, Geo's contract with the Federal Government does not prevent them from paying minimum wage. Indeed, it requires GEO to comply with all applicable Federal, State and Local Labor Laws.

The OKLAHOMA statute exempts those who are detained in a state, county or municipal facility from eligibility for Minimum Wage. Geo is neither a state, county or municipal facility and is therefore required by law to pay minimum wage to detainees/inmates.

For example, State Law in OKLAHOMA requires that state sales tax be paid on purchases made through Commissary. Even though Plaintiff was in the custody of the U.S. Marshalls and should not have paid states tax, Geo enforced State law and charged sales tax to inmates. Equally Geo should follow the State laws regarding Minimum Wage.

RELIEF REQUESTED

Plaintiff would ask the Honorable Court to recognize the violation of Fair Minimum Wage Labor laws and provide \$26,523.60

1. Punitive Damages
2. Compulsory Damages
3. Any other relief under the law.

Respectfully submitted on this 2022 day of 09 March in
the year

ARTURO RINCON CERMAS